

REMARKS

Claims 22 and 29-33 are pending in the application. Claims 1-21 and 23-28 have been cancelled. In the Office Action mailed on July 1, 2009, the Examiner withdrew her rejections under 35 U.S.C. § 112, first and second paragraph, made in previous office actions, in view of the previous claim amendments. As a result, the only remaining rejection is a nonstatutory obviousness-type double patenting rejection.

Applicants respectfully request allowance of the pending claims in view of the terminal disclaimer filed with the enclosed amendment and response to overcome the pending rejection.

Double Patenting

Claims 22 and 29-33 were rejected on the ground of nonstatutory obvious-type patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,706,472 ("the '472 patent").

Applicants have amended the application by filing a terminal disclaimer to the '472 patent through the assignee of the '472 patent and present application (divisional of the '472 patent) to overcome the rejection, as a common owner. Applicants respectfully request that the double patenting rejection be withdrawn and the pending claims be allowed to issue in view of the terminal disclaimer thus filed with this amendment and response.

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CONCLUSION

Reconsideration and withdrawal of the previous rejections and a prompt and favorable examination on the merits are respectfully requested.

Respectfully submitted,
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